

EXHIBIT “2”

DEPOSITION OF LOUIE ALEXANDER

1

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

LOUIE ALEXANDER,

PLAINTIFF,

vs.

CASE NO.:

3 : 06 - CV - 498 - WKW

OPELIKA CITY BOARD
OF EDUCATION,

DEFENDANT.

* * * * *

16 DEPOSITION OF LOUIE ALEXANDER, taken
17 before Mary Moore-Wynn, CCR, as
18 Commissioner, on the 26th of November, 2007,
19 in the offices of 2007, Hill, Hill, Carter,
20 Franco, Cole & Black, 425 South Perry
21 Street, Montgomery, Alabama, pursuant to
22 stipulations set forth herein, commencing at
23 approximately 10:00 a.m.

* * * * *

1 A Oh, and one was custodial.

2 Q First Choice, is that in
3 Auburn?

4 A Opelika.

5 Q And the other one you said is
6 Interim?

7 A Yes.

8 Q All right. Let's move to the
9 City of Opelika school board. How did you
10 get the job at the Opelika High School?

11 A Uhm, somebody was telling me
12 about an ad they had for a custodian.

13 Q And where did you apply?

14 A I went to the board of
15 education.

16 Q To just the main office?

17 A Yes.

18 Q Did you interview with Joe
19 Wingo before you took the job?

20 A Yes. Matter of fact, I went
21 to -- I went there first. And I asked for
22 him. And me and him talked. And, yes -- and
23 then I went and put an application in. So,
24 yes.

25 Q What is Joe Wingo's race?

1 Q Anyone else?

2 A He's black. I think that's it.

3 Q Okay. And then there would
4 have been you?

5 A Yes, ma'am.

6 Q And your race is black; is that
7 correct?

8 A I think so -- (indicating).

9 Q I have to -- I know that sounds
10 rude. I don't mean to be. But when they
11 read it, the Judge won't know --

12 A I know. I know.

13 Q All right. Tell me if you
14 could, when you got hired, these are the
15 folks that you were working with. And
16 Mr. Wingo ran the crew, I guess?

17 A Yes.

18 Q Tell me, if you could, just
19 kind of describe for me what the division of
20 responsibilities were with you guys and like
21 what you did every day, what your
22 responsibilities were, and how those
23 responsibilities were divided among you?

24 A Uhm, we -- he gave me a sheet.
25 And this sheet told me every room to clean.

1 And that --

2 Q Mr. Wingo gave it to you?

3 A Yes.

4 Q And so, you had a sheet of
5 paper that gave you all the rooms you were to
6 clean?

7 A Yes, ma'am.

8 Q And so, I guess you didn't have
9 division of responsibilities like, you take
10 the floors, I take the trash cans? If it was
11 your room, then you had to do everything?

12 A Yes, ma'am.

13 Q So, you had to mop the floors
14 and take out the garbage and --

15 A Well, there was occasions that
16 we do teamwork. That was on several
17 occasions that we did teamwork.

18 Q And what would happen whether
19 you did teamwork?

20 A It wouldn't be teamwork.

21 Q What do you mean? Like on what
22 occasions -- let's back up a little bit. On
23 what occasions would you please assigned what
24 you would call teamwork? What would be going
25 on that that's how they did it?

1 A Like with banquets, anything
2 where people come back to the school after
3 hours or either a lunch time, because we
4 mostly had to put out a lot of tables.

5 Q Okay. And so, like, for
6 activities or projects, you all would get
7 together and do stuff. Are you saying that
8 it was not an even share of work?

9 A No, ma'am.

10 Q And tell me what you mean by
11 that.

12 A Uhm, Joe had the blacks doing
13 the work, and the white didn't do nothing.

14 Q So, Joe didn't make James
15 Chance or Ken Mangrum do anything?

16 A And Jim McMann (sic).

17 Q And Jim McMann?

18 A No.

19 Q Okay. Well, what would they be
20 doing?

21 A Outside smoking a cigarette or
22 somewhere hid.

23 Q Okay. And so all these
24 other -- were these other custodians who are
25 also black you feel would support the concept

1 that the white people were not made to do
2 anything?

3 A I would bet my life on it.

4 Q You would bet your life on it?

5 A Yes, ma'am. That's what I --
6 that's how strong I feel about that.

7 MR. BENNITT: I'm -- did you
8 understand her question,
9 because I heard something.
10 Can we ask that over again?

11 BY MS. CARTER

12 Q Yeah, my question was: Were
13 the other custodians that you gave me their
14 names --

15 A Yes.

16 Q -- that are also black --

17 A Yes.

18 Q -- is it your testimony, or do
19 you believe that they would support your
20 allegations that the white people were not
21 made to do anything at work?

22 A I think some of them would,
23 yes.

24 Q Okay. Who do you think will
25 support that allegation?

1 that the black individuals and the white
2 individuals were separated from each other
3 for work duties.

4 A That's just how the supervisor,
5 Joe Wingo, did it. He -- he would not have
6 them doing any kind of work. He just get me
7 or the blacks to do it.

8 Q Well, I mean, are you saying
9 that he wasn't giving them anything to do at
10 all? And how -- and I'm just trying to
11 understand, because we weren't there.

12 A Okay. Okay.

13 Q So, I need you to describe to
14 me in as much detail as possible exactly what
15 you are talking about.

16 A Ma'am, he would take work
17 from -- you know, I told you everybody had an
18 assignment.

19 Q Uh-huh.

20 A What you call it, a work
21 schedule. Job duties. He would go in and
22 take all the work from the whites and give it
23 to me or the blacks. He didn't -- he didn't
24 want the whites to do nothing. He made all
25 the blacks do all the work. All of them.

1 Q Hang on. So, let's go back to
2 that example, then, because I was talking
3 about activities. So, you're saying that you
4 had a worksheet of the work you had to do?

5 A Yes, ma'am.

6 Q But when you got to work every
7 day, you were given assignments off the white
8 custodian sheets?

9 A And he --

10 Q Hang on. Answer that question.
11 Were you ever given --

12 A Yes, ma'am.

13 Q -- assignments off a white
14 custodian's worksheet?

15 A Yes, ma'am.

16 Q Was that person at work when
17 that happened?

18 A Yes, ma'am.

19 Q Did that happen every day?

20 A All the time. Constantly.
21 Constantly happened.

22 Q Okay. So, how many times a
23 week did it happen?

24 A Ma'am -- how many times a week?

25 MR. BENNITT: Think to

1 yourself.

2 THE WITNESS: Okay.

3 A A lot, ma'am. A lot.

4 Q So, when you're given your
5 worksheet when you went to work there, is
6 that something that changed all the time, or
7 did your worksheet stay the same?

8 A He would --

9 Q No, no, no. Hang on. And I'm
10 sorry to ask a bad question. You testified
11 earlier that you were given a sheet that was
12 your work assignments?

13 A Yes, ma'am.

14 Q Like your area?

15 A Yes, ma'am.

16 Q Your rooms or what have you?

17 A Correct.

18 Q Once you were given that, did
19 your work assignments ever change in regards
20 to what was written on your sheets?

21 A Yes.

22 Q So, how often would that sheet
23 change? Like when would you be reissued a
24 sheet?

25 A Right after -- right after --

1 right after my -- I started there in 2003.
2 2004, after we came back from Christmas --
3 no, the summer break, I was issued a new
4 sheet.

5 Q Okay.

6 A And Mr. Wingo have given me all
7 of Jim and James' assignments -- just about
8 all of it. He gave me the bathrooms, because
9 Jim had complained that he didn't like
10 cleaning the bathroom. He took it off of
11 Jim's sheet and gave it to me. He gave me
12 some of James Chance's rooms.

13 Q Okay. Hang on. Up until the
14 summer -- you all came back from the summer
15 break --

16 A Yes, ma'am.

17 Q -- did you feel like the
18 division of the work that you were doing as
19 opposed to the white employees was okay?

20 A No, ma'am. Okay?

21 Q Or fair --

22 A No --

23 Q -- equitable?

24 A -- no, ma'am.

25 Q Okay. Well, before the summer

1 A Yes, ma'am.

2 Q From the time you got hired
3 until your break -- I am talking about just
4 that time period --

5 A Oh.

6 Q -- what occurred that you say
7 was inequitable between you with your work
8 assignments?

9 A He would -- you have got to
10 keep in mind that I am new there. I didn't
11 know everything. But when I got back, that's
12 when I --

13 Q When you got back from your
14 break?

15 A Yes, ma'am.

16 Q So, my question is: Is it your
17 testimony, then, that you are not really
18 aware of any inequities that were occurring
19 in the work assignments in that first part of
20 your job, when you were new?

21 A When I was new, I was stripping
22 the floors and waxing the floors in the white
23 employees' area. And we started out as
24 somewhat teamwork, and then it changed.

25 Q Okay. So, during the first

1 portion of your job from the time you got
2 hired until the time you got out on your
3 first break, your summer break --

4 A Yes, ma'am.

5 Q -- are you saying that jobs
6 were inequitable, because you were waxing the
7 floor in the white people's area?

8 A Yes, ma'am.

9 Q Were you waxing the floor in
10 the black custodians' areas?

11 A No.

12 Q Whose area were you waxing the
13 floor of that you say you shouldn't have had
14 to wax during that time period?

15 A James Chance and Jim McManus.

16 Q And how many times did you wax
17 their areas?

18 A All the time. All the time,
19 ma'am. Constantly. All the time.

20 Q Were there any duties that
21 those individuals did in your areas?

22 A No.

23 Q And you never waxed the areas
24 of any of the black employees?

25 A No.

1 Q When you say "all the time", is
2 it your testimony from the time you got your
3 job until the time you were terminated that
4 you were made to wax your floors in your
5 areas and then to wax the areas of Jim and
6 James?

7 A Correct.

8 Q Okay. What about this other
9 fellow, is that his name, Ken? Were you
10 doing his?

11 A He worked mostly outside. But
12 I -- yeah, I have been asked to come back on
13 weekends and clean the ballpark for him on
14 several occasions.

15 Q What do you mean "for him"?

16 A He didn't want to do it. He
17 wanted me to do it, because it was a nasty
18 job.

19 Q Were there ever any white
20 employees that worked with you on the
21 weekends?

22 A No.

23 Q So, it's your testimony that
24 during the two years you were there, no white
25 employees worked on the weekends?

1 A Oh, sorry. During the football
2 stadium. On games -- when we would come back
3 on Saturday morning to clean the football
4 stadium, they would be there. Just only
5 there.

6 Q What do you mean?

7 A They were not doing anything.
8 They would just be there, walking around.

9 Q Okay. So, you are just saying
10 they would show up for work and not do
11 anything they were supposed to be doing?

12 A Correct.

13 Q And that you were doing
14 everything you were supposed to be doing?

15 A Yes, ma'am.

16 Q And their work, too?

17 A Yes, ma'am.

18 Q So, if your coworkers and your
19 supervisor said that you would not work or do
20 the things that you were assigned to you,
21 they would all just be not telling the truth?

22 MR. BENNITT: Objection to the
23 form.

24 Q Is that correct?

25 A Yes.

1 Q Okay. Do you know what the
2 work assignments were for James and Jim
3 during these holiday periods?

4 A Uhm, nothing, because they
5 didn't do nothing.

6 Q Okay. Is it your testimony,
7 Mr. Alexander, that these individuals were
8 just showing up to work every day and allowed
9 to do nothing, and that that was the way it
10 was because they were white?

11 A Correct.

12 Q Okay. You have told me about
13 the waxed areas during the holidays. Because
14 is that about the times you all would wax the
15 floors during the holidays?

16 A Any holiday or days that school
17 was out, and we had to work.

18 Q Okay. I'm going to put that
19 down as one. Give me another example or tell
20 me what happened that you felt like that your
21 work and the work of the other black
22 individuals was inequitable compared to the
23 white employees?

24 A Ma'am, he all the time did
25 this. Anything that they didn't want to do

1 decreased on the sheets of paper, in your
2 opinion?

3 A Yes. Yes, ma'am.

4 (Brief Interruption.)

5 BY MS. CARTER

6 Q Is there any other thing other
7 than the bathrooms and the science building
8 floors that you can tell us specifically
9 about where you believe the responsibility
10 was taken from a white custodian and given to
11 you?

12 A Yes. I remember an incident
13 where Ken Mangrum would not go weed eat the
14 stadium, the football stadium. He told me to
15 go up there and do it.

16 Q Who told you that?

17 A Joe Wingo.

18 Q Okay. And do you know why Ken
19 wouldn't do it?

20 A He didn't want to, ma'am. And
21 he didn't want to. And he didn't have to.

22 Q When all this stuff was coming
23 down on you -- like let's take the three
24 examples you have given so far -- why weren't
25 any of the other black employees given extra

1 A The football stadium. Saturday
2 morning, they would be there, but they didn't
3 want to help clean it. The blacks did it.

4 Q And how often do you clean the
5 football stadium? Was that something you
6 would have done every Saturday morning during
7 football season?

8 A Yes, ma'am.

9 Q For a home game?

10 A Yes, ma'am.

11 Q And who was assigned to do
12 that; did all ten of you go?

13 A All of us, yes, ma'am.

14 Q So, it was typical practice,
15 then, that during football season, on a
16 Saturday morning after a home game, all ten
17 of you went to the stadium?

18 A Correct.

19 Q And would Joe Wingo also be in
20 attendance?

21 A Yeah. He would come there,
22 walk around and leave and go.

23 Q Okay. And so he would go when
24 you guys were still working?

25 A Yeah. He would go -- he would

1 Like, I guess the seats, picking up the
2 trash, and what else would you do?

3 A Oh, outside the stadium. We
4 also had to clean the parking lot up, too.

5 Q So, when you're talking about
6 cleaning, primarily, you would all kind of
7 dissent on the stadium and get up all the
8 trash?

9 A Yes, ma'am.

10 Q And then you would leave?

11 A Yes.

12 Q And you're saying the three
13 white employees did nothing?

14 A Correct.

15 Q Every time?

16 A Yes.

17 Q Okay. Did you ever say
18 anything to the white employees while you
19 were working?

20 A Only Jim one time. And I only
21 said something to him, because he called me a
22 boy.

23 Q Okay. What did he say?

24 A Joe had came back one Saturday
25 and told me to go in Jim's area and get like

1 a trash can or something. And Jim -- I asked
2 Jim for the key. And he said, get your own
3 key, boy.

4 Q How old is Jim?

5 A Probably about 40 or 50.

6 Q Forty or 50. I hope somebody
7 says that about me one day a, ten-year span.
8 But he's older than you?

9 A Yes.

10 Q And you were asking him for a
11 key for what when that happened?

12 A To go in his area -- Joe had
13 asked me to go in his area and get a trash
14 can and bring it back to the field. And I
15 had to borrow his key to get in that area.

16 Q And he said "get your own key,
17 boy"?

18 A Yes, ma'am.

19 Q Any other time that Jim said
20 anything to you like that?

21 A All the time. All the time.

22 Q Okay. I thought that you just
23 said a few minutes ago that it happened once.

24 A I said that Jim called me a boy
25 once?

1 Q Okay. That's fine. Just tell
2 me the other times that he did. I'm sorry if
3 I misunderstood.

4 A Ma'am, he have did it on
5 occasion -- occasionally, ma'am.

6 Q He what?

7 A He have called me this boy on
8 occasionally. He have did it -- he have
9 completely on occasion called me that racial
10 word.

11 Q Okay. So, he has, on occasion,
12 called you boy?

13 A Yes.

14 Q Okay. And how many times would
15 you say during the time that you worked there
16 that he called you boy?

17 A Uhm, he probably did it about
18 five times. After that, ma'am, I just -- if
19 I could, I stopped being around him, because
20 nobody did nothing to stop it.

21 Q Okay. So, he called you boy
22 about five times, and then you just stopped
23 being around him, so he couldn't talk to you?

24 A Every chance I could not be
25 around him -- and that was a lot, because

1 they didn't do nothing. I mean, we -- we had
2 to do all the work.

3 Q Okay. Do you have a
4 specific -- and I have down that it was about
5 five times -- do you have a specific memory
6 where you could tell us about those five
7 occasions?

8 A Uhm, yes. I was asked to go
9 into the band room and strip Jim's floor,
10 strip and wax Jim's floor. And he just stand
11 up watching me laughing at me doing all the
12 work. And he said it then.

13 Q What did he say?

14 A Started laughing. I just
15 looked at him. Boy. But that's exactly the
16 way he said it.

17 Q So, you were made to strip his
18 floor, and he was allowed to stand there and
19 laugh at you while you stripped it?

20 A Yes, ma'am.

21 Q And then he just said, "boy"?

22 A Yes, ma'am.

23 Q And who witnessed this?

24 A I think at the time it was just
25 me, him, and James Chance there then at that

1 moment.

2 And then there was another time
3 he did it. Ms. Moore heard it. But I know
4 she would not probably say she did.

5 MR. BENNITT: Well -- okay.

6 THE WITNESS: I'm sorry.

7 Q When did Ms. Moore hear it?

8 A In the -- outside of the
9 band -- outside of the band room one night.

10 Q And what did he say?

11 A He said -- first time he said
12 it, I didn't quite hear him. Then I turned
13 around and looked at him. He said it again.
14 He said boy.

15 Q He just said boy? Like he
16 wasn't saying, boy, get me this, or, boy, can
17 I talk to you? He just said boy, like for no
18 reason to you or towards you?

19 A Yes, ma'am.

20 Q So, he wasn't actually
21 conversing with you about something? Do you
22 understand my question?

23 A No -- yes, ma'am.

24 Q Like as opposed to the first
25 time when he said boy -- get your own key,

1 boy?

2 A After that time, he just
3 constantly said it to me.

4 Q Do you know whether or not he
5 referred to white people as boy?

6 A No, ma'am.

7 Q Okay. Okay. So, you told us
8 about those times. Are there any other
9 specifics -- times that you can remember?
10 You have told us three of the five. Or I
11 guess you said approximately five. Are there
12 any other specifics?

13 A I can't remember exactly when
14 or where.

15 Q That's fine. Did James Chance
16 ever call you boy?

17 A He did one time.

18 Q All right. And tell me about
19 that.

20 A Uhm, it was an incident
21 where -- it was an incident where the
22 supervisor had went in and put -- marked me
23 absent when I was at work. And I was trying
24 to find the supervisor to ask him why he did
25 that.

1 Q Wingo did?

2 A Yes, ma'am. And I was trying
3 to find him. And I asked James where he was.
4 And James said, you don't need to see him.
5 You need to see me. And I said, no, I need
6 to see Joe; he's the supervisor. He asked
7 me, what can I help you with? I said, James,
8 I need to see Joe. And I walked off from
9 him. And that's when he called me that
10 racial word, ma'am.

11 Q Just tell me --

12 A Boy.

13 Q Have you ever heard James refer
14 to a white individual as boy?

15 A No. No.

16 Q Do you know whether or not he
17 does?

18 A I have never heard or seen him.

19 Q Okay. What about Ken, has he
20 ever called you boy?

21 A No.

22 Q Have any of the black employees
23 ever called you boy?

24 A No.

25 Q Have you ever used the word

1 "boy" to anybody?

2 A No. No, ma'am.

3 Q So, if anybody at our workplace
4 said that you have used the term "boy"
5 towards anybody, that would be incorrect?

6 A Correct.

7 Q Is it your testimony or do you
8 feel that the term "boy" is racist?

9 A Yes, ma'am.

10 Q Is there anything else that any
11 of your coworkers ever said to you that you
12 thought was racist?

13 A Is my coworkers --

14 THE WITNESS: Is supervisor; is
15 that the same thing?

16 Q No, I'll get to supervisor.

17 Yeah, that's a bad question. Just the ten of
18 you that you told me about.

19 A I think that's pretty much it.

20 Q Are you saying that Joe Wingo
21 ever said anything to you that you consider
22 racist?

23 A Yes, ma'am.

24 Q Tell me what you feel like you
25 consider was racist.

1 A One night, he said Louie, when
2 your boy get mad with you, do he call you
3 boy?

4 Q He said what, now?

5 A He said, Louie, when your boy
6 get mad -- upset with you, mad, do he call
7 you boy?

o Is he talking about your child?

9 | A Yes, ma'am.

10 Q And what did you say in
11 response?

12 A Ma'am, I was so overwhelmed. I
13 say, no, he don't call me -- that's what I
14 realized what -- you know -- oh, man.

15 MR. BENNITT: Calm down and
16 answer the question.

A I'm sorry. I didn't --

18 MR. BENNITT: Don't think out
19 loud.

20 A I'm sorry.

21 MR. BENNITT: Just answer the
22 question.

23 BY M.S. CARTER

24 Q So, what did you say in
25 response to him?

1 | okay.

2 A - He began to curse, ma'am. And
3 he called me boy. And I called Joe to the
4 side and talked to Joe about him cursing me.
5 And uh --

6 Q So, he started cussing you and
7 threw in "boy" there, too, during that
8 incident?

9 A Yes.

Q And when you say he started
cussing you, like what was he --

12 A Using cursing words, ma'am.
13 And then at the end, he used boy.

14 Q Okay. And so, you talked to
15 Wingo about it?

16 A Yes.

17 Q And what happened?

18 A He didn't really want to hear
19 what I had to say and walked off from me.
20 And he said -- I think he said, I'm not
21 100 percent sure, but I think he something
22 racist, too.

During that conversation?

24 A Yes, ma'am.

25 | Q What do you mean you're not

1 100 percent sure? Do you remember whether or
2 not he said something racist during that
3 conversation?

4 A I'm not -- I'm not for sure.
5 I'm not sure.

6 Q All right. Any other time that
7 Mr. Wingo said or did something racist
8 towards you?

9 A Yes, ma'am. Like -- yes,
10 ma'am. A lot of times.

11 Q Okay. What is the other
12 occasion?

13 A Well, we -- where he would
14 always give me the white's assignments. And
15 he would falsify my time cards -- my time
16 sheets.

17 Q Hang on. White employee's
18 assignments. We've talked about that some.
19 We'll come back and make sure we've heard
20 everything. And then your time sheets?

21 A (Witness Indicating.)

22 Q Let's do this, so we can stay a
23 little organized in our heads. We'll come
24 back to those two issues in just a second.
25 Is there anything else that he ever said to

1 you that you thought or considered to be
2 racially derogatory?

3 A I can't remember right now.

4 MR. BENNITT: Well, that's not
5 the right answer. If you
6 can't remember, you need to
7 go out in the hall and stop
8 and relax.

9 Let's take about a
10 two-minute break.

11 (Brief recess.)

12 THE WITNESS: I'm ready.

13 BY MS. CARTER

14 Q All right. Let's go. We're
15 going to get to the time sheets and the white
16 employee assignments in a few minutes. I
17 have read that in your complaint. Just so I
18 don't get confused, and we have to start
19 jumping around --

20 A I'm sorry.

21 Q No, no, no. That's fine. You
22 have answered my question. Is there anything
23 else that you can recall that Mr. Wingo has
24 said to you -- not this other stuff -- but
25 that he said to you that you found to be or

1 felt was racially derogatory?

2 A Yes, ma'am.

3 Q Okay.

4 A I can't remember the dates.

5 But on a lot of occasions, ma'am, he have did
6 racist things to me and said racist things.

7 On plenty of occasions, ma'am.

8 Q Here is the deal -- and your
9 lawyer will explain this to you. And I will
10 just tell you -- and you have a harassment
11 claim in your case, also. Like you have a
12 claim about being terminated, but you also
13 have a hostile environment claim. So, it's
14 impossible for us to look at that or evaluate
15 it if we don't have as much specifics as
16 possible. If you can't give them to me or
17 feel like you have given me as much detail as
18 you can, that's fine.

19 A Uh-huh.

20 Q But I want to give you an
21 opportunity here today to tell me as many
22 occasions as you can recall that he said or
23 did something to you that was racist. And
24 you have told me about some things that he
25 said. You have told me about time sheets and

1 giving that as an example of whether
2 Mr. Wingo did something racist. So, did you
3 have a talk with Mr. Wingo about going to see
4 Mr. Funderburke? I mean, I'm trying to --

5 A No. He knew it, because
6 apparently Mr. Funderburke had talked to him.

7 Q And what did Mr. Wingo say to
8 you?

9 A At first, he didn't say
10 nothing. He was just real upset. And then
11 that's what he called me a boy, again.

12 Q And what did he say to you?
13 What was the sentence that he said to you?

14 A I think -- actually, I know
15 exactly what it was. He told me to go in
16 front of the building and pick some paper up.
17 I looked at him. I said, okay. He said,
18 boy. I just walked off from him.

19 Q So, he told you to pick up some
20 paper, boy?

21 A Yes, ma'am. He told me to go
22 in front of the building and pick up some
23 paper.

24 Q Okay. Any other occasions when
25 Mr. Wingo said something to you that you

1 consider to be racist?

2 A Yes. It was -- a lot of
3 occasions where he would come back at night
4 and say racist things.

5 MR. BENNITT: What? Say them.

6 It's easy.

7 THE WITNESS: I'm sorry.

8 A Stuff like "boy", ma'am. Stuff
9 like how you hang somebody and stuff like
10 that, ma'am.

11 Q What?

12 A Yes.

13 Q What did you say?

14 A Like a noose. He was saying
15 stuff like "boy", and how you tie a noose
16 around somebody's neck.

17 Q Okay. And what did he say
18 about the noose?

19 A Uhm, he was telling him like he
20 have seen stuff where people have did
21 horrible things like tie a noose around your
22 neck. And then he would look at me and start
23 laughing.

24 Q Okay. And how many times did
25 he talk to you about a noose?

1 A I think -- that was the only
2 occasion he talked to me about a noose. That
3 occasion.

4 Q Was he talking about hanging
5 black people or anything like that?

6 A He didn't say either one,
7 ma'am.

8 Q Okay. Any other thing you want
9 to tell us about that he said?

10 A I think I told you all the
11 times that he --

12 Q Okay. All right. Now, we also
13 talked about work assignments that you said
14 were unfairly assigned to you away from the
15 white individuals when they would complain
16 about not wanting to do the job. Is that
17 fair?

18 A Yes, ma'am.

19 Q And you told me about the boys'
20 bathroom and the science building and weed
21 eating at the stadium, and then Saturday
22 mornings the white people being allowed to
23 stand around while you cleaned the stadium?

24 A Correct.

25 Q And you had to wax their area?

1 A Yes.

2 Q So, I have those five things.

3 Are there any other things, specifics, that
4 you can tell us about where you believe that
5 you and/or the other black employees were
6 made to do the white employees' work?

7 A It was just that this occur all
8 the time, ma'am, all the time.

9 Q Okay. And I am not trying to
10 be difficult. And you keep saying that.

11 A Uh-huh.

12 Q Is there anything else that you
13 had to do at work that you say was taking
14 over the white employee's job
15 responsibilities; other than the ones -- the
16 five things we just went through?

17 A And I don't mean to insinuate I
18 know of something else; there has to be
19 something else. I am just giving you an
20 opportunity to tell us --

21 A No.

22 Q -- of anything else. You think
23 you have told us the things?

24 A I think so, yeah.

25 Q All right. Now, you have

1 Q Did anybody in the school make
2 racist comments to you or that you were
3 around at work that you haven't told us
4 about?

5 A No, ma'am.

6 Q So, we have covered the racial
7 things that would have been said to you?

8 A Yes, ma'am.

9 Q Okay. All right. Let's go to
10 your time sheets. You have alleged in this
11 case that your time sheets were altered?

12 A Uh-huh.

13 Q To make it look like you worked
14 less hours than you had actually worked; is
15 that correct?

16 A Correct. Yes, ma'am.

17 Q Tell me about that. Tell me
18 what the facts are behind that claim.

19 A Because I had -- he just -- he
20 just went in all the time, ma'am, and
21 falsified my time.

22 MR. BENNITT: Who is he?

23 A Joe Wingo. Sorry. Supervisor
24 Joe Wingo. He would go in constantly and
25 falsify my time sheets.

1 MR. BENNITT: Okay. We're
2 ready.

3 BY MS. CARTER

4 Q Okay. My question still stands
5 that I want to know how you -- I'm just
6 trying to figure out how you looked at these
7 and determined that those were, in fact, the
8 times that the time was changed.

9 A Ma'am, I just know on some
10 occasions. I can't be one hundred percent
11 sure. I know on some occasions he have -- I
12 have seen him change my time.

13 Q Let me just make something
14 clear. The stack B, you don't really know,
15 sitting here today, that these are the
16 incidents, do you? You can't look at these
17 sheets of paper and say, Joe Wingo changed my
18 time on these?

19 A No.

20 Q But it's your testimony that
21 you personally witnessed him changing your
22 time on occasion?

23 A Yes, ma'am.

24 Q Okay. What would you do when
25 you saw him do that?

1 A I would ask him about it.

2 Q Okay. What would you say?

3 A I would be like, Joe, this is
4 not correct. This is not right. These hours
5 is not right.

6 Q And what would he say?

7 A Nothing. Nothing. But I know
8 there was occasions once -- one occasion
9 where he called me that word again, because
10 I --

11 MR. BENNITT: No. You have got
12 to say the word.

13 A Called me boy, because I told
14 him that I was going to tell Mr. Funderburke
15 and them again about this.

16 Q How many times did you have a
17 conversation with Joe Wingo about changing
18 your time?

19 A On many occasions. I don't
20 know how many, exactly.

21 Q Did you sign these time sheets?

22 A Yes.

23 Q Why would you sign them if they
24 are incorrect?

25 A I think I signed this after --

1 MR. BENNITT: You're thinking.

2 Guessing. You know, give
3 facts. If you don't know,
4 just say, I don't know.

5 A I don't know, ma'am.

6 MR. BENNITT: That's a --

7 THE WITNESS: I'm sorry.

8 Q But it's your testimony that at
9 least some of these are inaccurate?

10 A Yes, ma'am.

11 Q Do you have an estimate,
12 sitting here today, of how many hours you say
13 you worked that you weren't paid for?

14 A I'm not for sure.

15 Q Well, some of these reflect
16 overtime.

17 A Okay.

18 Q And you have put them in the
19 stack of being incorrect?

20 A Yes.

21 Q Do you have a specific memory
22 of any of these weeks, any of these pay
23 weeks?

24 A No, ma'am.

25 MR. BENNITT: I think you got

1 your answer.

2 Q Let's move on. Tell me what
3 this is, Defense Exhibit 3.

4 (Whereupon, Defendant's
5 Exhibit 3 was marked for
6 identification and is attached
7 hereto.)

8 BY MS. CARTER

9 Q What is this, please, sir, if
10 you know?

11 A I don't know, ma'am.

12 Q Okay. Part of your claim in
13 this case is that you have complained about
14 what you consider to be discrimination. And
15 you were ultimately terminated for
16 complaining about that; is that correct?

17 A Yes, ma'am.

18 Q So, now I need you to tell me
19 when you made a complaint. I know that you
20 went to Mr. Funderburke.

21 A Uh-huh.

22 Q How many times did you go to
23 Mr. Funderburke? We know you went to Stan
24 Cox once?

25 A Yes.

1 Q Let's take Funderburke first,
2 because you went to him first; correct?

3 A Yes.

4 Q How many times did you complain
5 to Mr. Funderburke?

6 A Ma'am, a lot of times.

7 Q Tell me about the first time
8 you went to see him and what was said during
9 that conversation.

10 A The first time was I went and
11 saw him about the bathroom, when he had gave
12 me Jim's bathroom. And I told him what he
13 did and what he said and when he called me --
14 he -- I told him that Jim did not want to
15 clean the bathroom. And he gave the bathroom
16 to me because Jim did not want to clean it.
17 And I told him that -- that Joe called me
18 racial words like boy and stuff.

19 Q Anything else?

20 A Not then.

21 Q Okay. And what did he do, if
22 anything?

23 A He said he would talk to Joe.

24 Q Let me ask you something, real
25 quick: Are there any witnesses other than

1 and what you were saying to him.

2 MR. BENNITT: Best judgment.

3 A Best judgment.

4 MR. BENNITT: When did you
5 start complaining?

6 A After he continued to say
7 those -- call me boy and give me the jobs of
8 the white employees -- the jobs that they did
9 not want.

10 Q Okay. Let me tell you this:
11 In looking through some paperwork, I saw that
12 you were given a job assignment change when
13 you came back from your break in the summer
14 of '04?

15 A Yes, ma'am.

16 Q I don't know what that was, but
17 that you were given a job assignment change.
18 And that you were unhappy about it?

19 A Yes, ma'am.

20 Q And that you talked to
21 Mr. Funderburke about it?

22 A Yes, ma'am.

23 Q Would that have been the first
24 time that you complained to Mr. Funderburke,
25 because I don't see any evidence of you

1 talking to him before then. And there is
2 nothing wrong with that. I'm just trying to
3 -- and if that's not right, tell me.

4 A Yes, ma'am. That's correct.

5 Q Would the summer of '04 have
6 been the first time you talked to
7 Mr. Funderburke?

8 A Yes.

9 Q And did you tell him during
10 that time that you did not think it was fair
11 that you had to do that job?

12 A Correct. Yes.

13 Q Did you ever complain to
14 Mr. Funderburke that Ms. Moore was not doing
15 her job on one occasion?

16 A I think one occasion.

17 Q And Ms. Moore is a black
18 employee?

19 A Yes.

20 Q So, I take it on that occasion,
21 you would not have been making a race
22 complaint? You just said she wasn't doing
23 what she was supposed to be doing?

24 A Yes.

25 Q Did you say that because you

1 A No, ma'am. No, ma'am.

2 Q And you never discussed that
3 with Mr. Funderburke or Mr. Wingo?

4 A I talked with Mr. Jason Bryant
5 about that.

6 Q Who?

7 A Mr. Bryant.

8 Q Mr. Bryant?

9 A Yes.

10 Q And tell me who he is.

11 A He's assistant principal.

12 Q What did he tell you about
13 that?

14 A I told him that this paper was
15 being left here intentionally for me to get
16 it up. And I was going to leave it here.
17 And can you let Mr. Funderburke see what is
18 happening?

19 Q You thought somebody left trash
20 to pick up just to get at you?

21 A Yes.

22 Q What caused you to think that?
23 What had happened that made you think that?

24 A Because this have happened
25 before.

1 Q What had happened; that
2 somebody left trash out for you to get up?

3 A Yes.

4 Q How did you know somebody left
5 it out for you? Did you see somebody leaving
6 the trash?

7 A No.

8 Q Do you know who did it?

9 A No.

10 Q Were you ever counseled or
11 talked to about leaving work early?

12 A Ma'am, no. No.

13 Q Okay. Were you ever counseled
14 or talked to about reporting to work late?

15 A No.

16 Q So, any information about that
17 is incorrect?

18 A I'm sorry. Yes, I came in one
19 day late. And I was not late -- I'm sorry.
20 I came in one day, the supervisor said I was
21 late. Ma'am, I was not late.

22 Q Okay. Is it correct that -- I
23 guess you told them that you felt you were
24 being mistreated when you were given the new
25 job assignment when you came back from

1 A No, ma'am.

2 MR. BENNITT: Just let her
3 finish.

A I'm sorry. No, ma'am.

5 MR. BENNITT: Let her finish
6 the question.

7 BY MS. CARTER

8 Q Did you ever say to James in
9 front of others on any occasion, why don't
10 you just call me boy?

11 A I think so. I think so. Yes,
12 I did.

13 O And when did that occur?

14 A I don't remember when it was.
15 But, yes, I said that.

16 Q Okay. Were you ever
17 reprimanded for being in rooms or areas that
18 were not your assigned responsibility?

19 A No, ma'am.

20 Q Were you ever reprimanded for
21 refusing to put down tables and chairs for
22 the football team to eat when you were asked
23 to?

24 A No, ma'am.

25 Q Did you ever tell Jim that you

1 Q And did you ever have
2 conversations with Mr. Neighbors about your
3 complaints?

4 A Yes.

5 Q Before you were terminated?

6 A Yes.

7 Q And what about that
8 conversation did you find -- what happened
9 that you formed the opinion that he will be
10 untruthful?

11 A Right afterward, I got fired.
12 And I saw some statements that he said, and
13 that was not true, because I remember
14 everything I talked to him about.

15 Q Okay. What caused you to go to
16 Mr. Neighbors?

17 A Because it was -- I had
18 complained to everybody else. And this --

19 Q Let me ask you this: Did you
20 initiate a meeting or a time to meet with
21 Mr. Neighbors about your complaints?

22 A I talked to him twice. First
23 time was by phone.

24 Q You called him?

25 A Yes.

1 Q And you asked to speak to him?

2 A Yes.

3 Q And he took your phone call?

4 A Yes.

5 Q What did you tell him?

6 A I told him about how I was
7 being treated and all the things that was
8 being said.

9 Q Could you tell me what you said
10 when you say, I told him about how I was
11 being treated and about what was being said,
12 what did you tell him had happened to you?

13 A I told him that Joe Wingo was
14 doing racist things like giving me all the
15 assignment of Jim -- and I said specifically,
16 Jim and James' jobs. And I told him that
17 this guy was calling me boy.

18 Q Did you say he was doing racist
19 things, or did you tell him that you had to
20 do Jim and James' jobs?

21 A I told him all that, ma'am.

22 Q You told him that Joe Wingo was
23 doing racist things?

24 A Yeah. And then I told him what
25 he was doing, the racist things that he was

1 doing.

2 Q And is it your testimony that
3 you told him in that conversation that Joe
4 Wingo called you boy?

5 A Yes.

6 Q Anything else?

7 A That's it.

8 Q Okay. So, you told him you're
9 getting the white employees' job assignments?

10 A Yes.

11 Q You did tell him that, for Jim
12 and James?

13 A Yes, yeah.

14 Q And that you were being called
15 boy?

16 A Yes.

17 Q Anything else you told
18 Mr. Neighbors when you called him?

19 MR. BENNITT: You all keep
20 right on going. I'm going
21 to stretch.

22 MS. CARTER: We've started
23 trucking here. We've made
24 some ground.

25 A I told him about Ms. Moore.

1 That was it.

2 Q Ms. Moore?

3 A Yes.

4 Q About Ms. Moore not doing her
5 job?

6 A I think being sleeping --
7 something like that.

8 Q Sleeping on the job?

9 A Yes.

10 Q So, that part of the complaint
11 was not a complaint of race discrimination?

12 A No, no.

13 Q Are you confident sitting here
14 today that you ever used the word "race" when
15 you were talking to him on the phone?

16 A Yes, ma'am.

17 Q When is the next time you
18 complained to him? You said there was twice.

19 A Well, when he called me over
20 there, it was with a meeting, he wanted to
21 talk with me about what happened. And I told
22 him again.

23 Q What happened that he called
24 you? You said he wanted to talk to you about
25 what happened.

1 A Oh, they had suspended me and
2 recommended that I be terminated. And he
3 called me over there to talk to me.

4 Q And he wanted to talk to you
5 before he took action on the recommendation?

6 A Yes.

7 Q And what was said during that
8 conversation?

9 A Again, I told him about being
10 called boy, and about doing all of James' and
11 Jim's assignments.

12 Q Anything else?

13 A That's all I can remember.

14 Q And what did he say in that
15 conversation?

16 A He wrote down everything I said
17 and said that he was going to check into it.

18 Q Okay. So, other than
19 Mr. Funderburke and Mr. Neighbors and then on
20 one occasion you said you talked to Stan Cox?

21 A Yeah.

22 Q Tell me about what happened
23 when you talked to Stan Cox.

24 A It was a short conversation,
25 ma'am.

1 Q You went to his office?

2 A No, I called him at home.

3 Well, no, I was at home. I called him at the
4 school.

5 Q And what did you tell him?

6 A The first thing that came out
7 of my mouth was, I told him doing the
8 racist -- doing the -- all the white
9 employees' job being put on me. And then I
10 told him about the supervisor calling me boy.

11 MR. BENNITT: When?

12 THE WITNESS: When?

13 MR. BENNITT: When?

14 THE WITNESS: I don't know the
15 dates.

16 MR. BENNITT: Not the exact
17 dates. Just when?

18 THE WITNESS: I talked to him
19 before I talked to
20 Mr. Neighbors -- Dr.
21 Neighbors.

22 MR. BENNITT: When? About?
23 Approximately.

24 THE WITNESS: Oh, shortly after
25 I got termi -- shortly

1 tell the truth?

2 A I'm sorry. What I meant is he
3 know the truth. But I don't think he will
4 tell it.

5 Q Okay. And why is that?

6 A Because he -- he fired me
7 after -- they fired me after I reported all
8 of this.

9 Q Okay. So, you just have the
10 general feeling that these people that are
11 white on this sheet of paper will not tell
12 the truth?

13 A Correct.

14 Q I mean, isn't that fair; that
15 you think the black people are going to tell
16 the truth and white people are going to lie?

17 A I think some --

18 Q Is that true?

19 A Yes, ma'am.

20 Q What about Patsy Jones; is she
21 white or black?

22 A Black.

23 Q So, you think Ms. Jones will
24 tell the truth?

25 A She have knowledge of the

1 truth, but, no, she won't.

2 Q And why is that?

3 A Because I have called her, and
4 I have told her that I need -- that I need --
5 all the times I have called you about this
6 racist stuff -- the language I told you I
7 have been called. She hung the phone up on
8 me.

9 Q So, Ms. Jones, who is black,
10 you say is now not supporting you or not
11 telling the truth about you?

12 A Correct.

13 Q Okay. And you received
14 unemployment after you lost your job there,
15 it says?

16 A I filed --

17 Q I think I saw that you got
18 unemployment.

19 A Yes, ma'am.

20 Q I don't know for how long.

21 A I just filed for it. When I
22 won it, then I started working.

23 Q So, you never really actually
24 drew --

25 A After -- no.

1

what time is it?

2

MS. CARTER: It's 1:35.

3

BY MS. CARTER

4

Q Is that your Charge of
Discrimination?

6

A Yes, ma'am.

7

Q And in your Charge of
Discrimination, you put that Mr. Wingo
referred to you as a boy, and that Mr. Chance
had referred to you as a boy; is that
correct?

12

A Yes.

13

Q There is nowhere on here any
conversation about a noose; is that correct?

15

A Uhm, I don't -- no.

16

Q Okay. Uhm, it says here that
your supervisor took -- marked you absent on
days when you had actually worked?

19

A (Witness Indicating.)

20

Q It doesn't really say that he
was going in and altering your entries of
time. What exactly are we talking about that
he did? Was he altering your time about when
you were signing in and out, or was he taking
away days from you all together that you

1 would actually work?

2 A Correct.

3 Q The latter? I mean, what was
4 he doing?

5 A He was taking days from me that
6 I actually worked.

7 Q So, are you alleging that
8 sitting here today there are days where you
9 did not get paid for an entire day, and you
10 should have been, or was it corrected?

11 A No. It was not corrected.

12 Q So, he just made up that you
13 didn't come to work all day, and you signed
14 the paper?

15 A Ma'am --

16 Q I'm sorry. That sounds a
17 little outlandish. I'm trying to understand
18 how that worked. He would go in and mark it
19 up and pretend like you weren't there?

20 MR. BENNITT: That's a yes or
21 no -- yes or no.

22 A Yes.

23 Q And then you would sign it?

24 MR. BENNITT: Yes or no.

25 A Yes.

1 some coaxing earlier. Give me an idea. What
2 date were you terminated?

3 A Ma'am, right after I talked
4 with Stan Cox and called Dr. Neighbors, I was
5 terminated probably like a week after that,
6 ma'am. Or less.

7 Q But you're not sure; is that
8 correct, of the exact timeframe?

9 A No, ma'am.

10 Q Do you have a calendar or
11 anything that you have made notes on that
12 would help us look at that timeframe?

13 A I don't know.

14 Q Okay. That's fine. Let me
15 look at this real quick. Oh, I know what I
16 wanted to ask you. You also say that the
17 supervisor -- and we're talking about Joe
18 Wingo -- that the supervisor was giving time
19 to the white employees?

20 A Correct.

21 Q Like he wasn't just taking it
22 from you, he was making up time for them?

23 A Correct.

24 Q Okay. And -- okay --

25 A You are getting like me, now.

1 MR. BENNITT: You're sure?

2 THE WITNESS: Yes.

3 MR. BENNITT: But you can't
4 figure -- never mind.

5 BY MS. CARTER

6 Q How do you know they didn't
7 work the time? For example, what if my
8 secretary says, oh, I need overtime; we have
9 got something we need to work on this
10 weekend. Did you show up to see like who was
11 working overtime?

12 A No, ma'am.

13 Q So, you don't know whether they
14 worked the time or not?

15 A Yes, they left. I saw them --

16 Q Okay. But you don't know
17 whether they were getting paid more hours
18 than they were working in a week?

19 A No.

20 MR. BENNITT: You got your
21 answer, didn't you? Did
22 you?

23 Q Hang on. I'm flapping through
24 your complaint real quick, that he also
25 didn't write.

1 **A** I think Mr. -- indicating --

2 Mr. -- I think Mr. Cox and Mr. Neighbors.

3 **Q** Okay. I don't want you to tell
4 me -- I mean, in all due respect -- what you
5 think. Do you know who made the decision
6 that you would be terminated?

7 **A** No.

8 **Q** Do you know who recommended
9 that you be terminated initially?

10 **A** I think Mr. -- Dr. Raley, I
11 think. Dr. Raley and Mr. Neighbors --
12 Dr. Neighbors.

13 **MR. BENNITT:** Dr. Who?

14 **THE WITNESS:** Dr. Neighbors and
15 Dr. Raley.

16 **Q** Is he the old superintendent?

17 **A** Yes.

18 **Q** I didn't mean to say old -- the
19 prior?

20 **A** Yes.

21 **THE SUPERINTENDENT:** Dr. Cox is
22 still the principal. I was
23 in the role of assistant
24 superintendent during this
25 time. And now I am

1 the two things you complained about?

2 A I think that's it. Yes, ma'am.

3 That's it.

4 Q When you went to

5 Mr. Funderburke -- who I understand from you
6 you went to more than once?

7 A Correct.

8 Q And were your complaints pretty
9 much the same that you were doing the white
10 employees' work, and they were caught
11 referring to you as boy?

12 A Yes, ma'am.

13 Q Did you also ever complain to
14 Mr. Funderburke about any of the black
15 employees or what they were doing, other than
16 Ms. Moore? I know you complained to somebody
17 about Ms. Moore.

18 A I don't think so, no.

19 Q Okay. She was the only one you
20 would have complained about that would have
21 been black?

22 A Yes.

23 Q Is it your allegation today
24 that you talked to Patsy Jones about race
25 discrimination?

1 A Yes.

2 Q So, if Ms. Jones says there was
3 never a complaint to her about race
4 discrimination, she is just lying?

5 A Correct.

6 Q And Ms. Jones is black?

7 A Yes.

8 Q Do you know why Ms. Jones would
9 not support you in regards to that or not
10 tell the truth about that?

11 MR. BENNITT: Objection to
12 form.

13 A I don't know.

14 Q I mean, she doesn't have a risk
15 of losing a job, correct? She's AEA?

16 A I don't know.

17 Q Do you know whether or not she
18 has ever stood behind other people that made
19 such claims? I mean, you might not one way
20 or the other. I'm just asking?

21 Do you know one way or the
22 other?

23 A I think she was called --

24 MR. BENNITT: Don't guess. You
25 either know, or you don't

1 know.

2 A I don't know. No. I don't
3 know.

4 Q Okay. Have you ever been
5 married?

6 A No.

7 Q Okay. And do you have
8 children?

9 A Yes.

10 Q How many?

11 A Two.

12 Q Are they under the age of 18?

13 A Yes.

14 Q Have you told me every way that
15 you feel you were damaged?

16 A Yes, ma'am.

17 Q By the termination or the
18 harassment?

19 A Yes, ma'am.

20 Q Do you know, or are you privy
21 to what Dr. Neighbors reported to the
22 superintendent about the recommendation for
23 your termination?

24 A I don't know.

25 Q Okay. And do you know what the

1 superintendent reported to the board?

2 A I don't know.

3 Q Do you know whether or not

4 Dr. Neighbors or anyone in the central office
5 conducted an investigation?

6 A I don't know.

7 Q Have you ever been sued before?

8 A No.

9 Q Other than the two times that
10 you just told me, have you ever been accused
11 of sexual harassment?

12 A No.

13 Q Have you ever been accused of
14 racial harassment?

15 A No.

16 Q I think I already asked you
17 this. I'm sorry if I did. Are there any
18 other employees black or white that were your
19 coworkers that you believe could provide
20 evidence to us about the alleged changing of
21 time sheets, whether it be to your
22 disadvantage or the advantage of your white
23 coworkers?

24 A I don't know.

25 Q So, you don't know of anybody

assistant principal while there you were?

2 Bryant and Funderburke were the only two

3 | assistant principals?

4 THE SUPERINTENDENT: Ms. Shakel

5 a Ford was probably there.

6 a black lady.

A Are you asking me have I ever

8 talked to her? No.

9 10 Well, no, I was going to ask

10 | you --

11 THE SUPERINTENDENT: Was she

there or Ms. Coleman,

13 MS. FORD?

14 | THE WITNESS:

15 O Ms. Ford?

16 A Yes.

17 o Okay

any conversation with her about any of this?

19 A No., no.

THE SUPERINTENDENT: African

21 American female.

22 MS. CARTER: Okay. MS. Ford

23 | Page

24 BY MS. CARTER

25 Q Is there any reason you didn't